

III. Remarks

A. Status of the Application

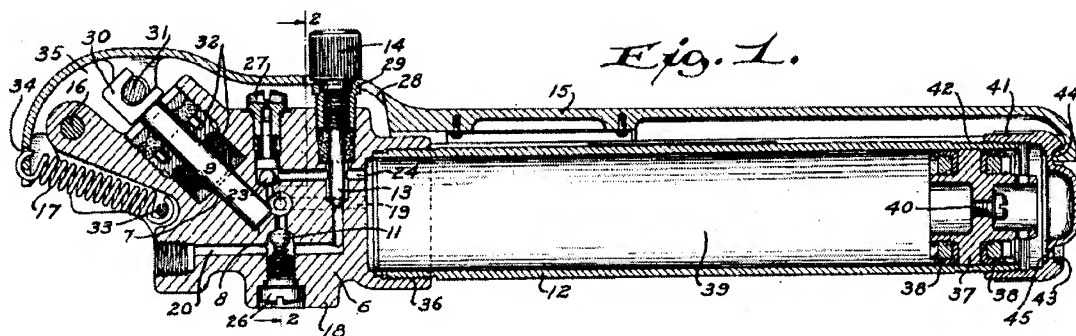
Claims 1-4, 9 and 16-29 are currently pending in this application. By this paper, claims 1, 19, and 21 are amended. Reconsideration of the pending claims is respectfully requested in light of the above amendments and the following remarks.

B. Claim Rejections – 35 U.S.C. § 103

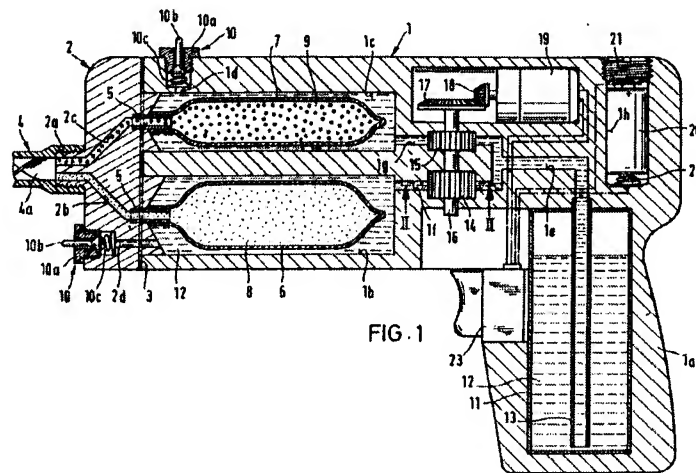
1. The Pfauser and Bergner References

The Office Action rejected claims 1-4, 9, 21-26, and 29 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 2,299,492 to Pfauser in view of U.S. Patent 4,854,482 to Bergner. Applicants respectfully traverse the rejection.

With respect to amended independent claim 1, even when combined, Polyak and Bergner at least fail to disclose or suggest a pumping system having “a manually operable actuator at a distal end of the housing allowing manual pressure release by one hand of a user while holding the housing in the same one hand, the manually operable actuator selectively releasing pressure on said fluid within a conduit by releasing at least a portion of said fluid out of the conduit and external to the fluid source,” and “the conduit extending from a proximal end of the housing that is substantially opposite of the distal end of the housing.” Referring to Fig. 1 below, the Office Action identified knob 14 and conduit 20 as corresponding to the claimed manually operable actuator and conduit.



The Bergner reference does not cure the deficiencies of the Pfauser reference. Referring to Fig. 1 reproduced below, the Office Action appears to identify venting valves 10 as corresponding to the claimed manually operable actuator.



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Accordingly, even when combined, Pfauser and Bergner do not disclose or suggest “a manually operable actuator at a distal end of the housing allowing manual pressure release by one hand of a user while holding the housing in the same one hand, the manually operable actuator selectively releasing pressure on said fluid within a conduit by releasing at least a portion of said fluid out of the conduit and external to the fluid source,” and “the conduit extending from a proximal end of the housing that is substantially opposite of the distal end of the housing,” as recited by claim 1. Claims 2-4 and 9 depend from and add additional features to claim 1, and are believed to be distinct from the cited references, for example, for the same reasons discussed above with respect to claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the rejection and pass claims 1-4 and 9 to allowance.

Independent claim 21 has been amended to recite at least some features similar to those of claim 1. Accordingly, claim 21 is allowable for at least the same reasons as discussed above for claim 1. Claims 22-26 and 29 depend from claim 21 and are believed to be distinct from the cited references, for example, for the same reasons discussed above with respect to independent claim 21. Therefore, the Applicants respectfully request that the Examiner reconsider and pass claims 21-26 and 29 to allowance.

2. The Pfauser, Bergner, and Dardik References

The Office Action rejected claims 17 and 18 under 35 U.S.C. §103 as being unpatentable over Pfauser as modified by Bergner, further in view of U.S. Patent 4,250,887 to Dardik et al. (“Dardik”). Applicants respectfully traverse the rejection.

Claims 17 and 18 depend from independent claim 1. As discussed above, even when combined, Pfauser and Bergner do not disclose all the elements recited in independent claim 1. The deficiencies of the proposed Pfauser/Bergner reference combination are in no manner cured by the Dardik reference which has been cited by the Examiner solely for its alleged teachings with respect to the length of a flexible tubing. Therefore, for at least this reason, the Examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met with respect to claims 17 and 18. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection and pass claims 17 and 18 to allowance.

3. *The Pfauser, Bergner, and McGough References*

The Office Action rejected claims 16, 19 and 20 under 35 USC §103 over Pfauser as modified by Bergner, further in view of U.S. Patent 5,015,233 to McGough et al. (“McGough”). Applicants respectfully traverse the rejection with respect to the pending claims.

Claim 16 depends from claim 1 which, for the reasons previously set forth herein, is seen to be patentably distinguishable over the proposed Pfauser/Bergner reference combination due to the noted deficiencies therein. These deficiencies are in no manner cured by the McGough reference which has been cited by the Examiner solely for its alleged teachings with respect to a syringe with a plunger connected to a pressure pump and a working pressure range of up to 5000 PSI.

Independent claim 19 has been amended to recite at least some features similar to those of claim 1. As discussed above, even when combined, Pfauser and Bergner do not disclose all the elements recited in independent claim 23. The deficiencies of the proposed Pfauser /Bergner reference combination are in no manner cured by the McGough reference which has been cited by the Examiner solely for its alleged teachings with respect to a syringe with a plunger connected to a pressure pump and a working pressure range of up to 5000 PSI.

Claim 20 depends from claim 19 and is believed to be distinct from the cited references, for example, for the same reasons discussed above with respect to independent claim 19. Therefore, the Applicants respectfully request that the Examiner reconsider and pass claims 19 and 20 to allowance.

4. *The Pfauser, Bergner, and Barree References*

The Final Office Action rejected claim 27 under 35 USC §103(a) as being unpatentable over Polyak as modified by Bergner, further in view of U.S. Patent 4,776,618 to Barree. Applicants respectfully traverse the rejection.

Claim 27 depends from independent claim 21. As discussed above, even when combined, Pfauser and Bergner do not disclose all the elements recited in independent claim 21. The deficiencies of the proposed Pfauser/Bergner reference combination are in no manner cured

by the Barree reference which has been cited by the Examiner solely for its alleged teachings with respect to a hollow housing for receiving the conduit with a ferrule and a seal surrounding and sealing the conduit against a set screw. Therefore, for at least this reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met with respect to claim 27. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection and pass claim 27 to allowance.

5. The Pfauser, Bergner, and Busserau References

The Final Office Action rejected claim 28 under 35 USC §103(a) as being unpatentable over Pfauser as modified by Bergner, further in view of U.S. Patent 4,823,588 to Busserau et al ("Busserau"). Applicants respectfully traverse the rejection.

Claim 28 depends from independent claim 21. As discussed above, even when combined, Pfauser and Bergner do not disclose all the elements recited in independent claim 21. The deficiencies of the proposed Pfauser/Bergner reference combination are in no manner cured by the Busserau reference which has been cited by the Examiner solely for its alleged teachings with respect to a pressure relief mechanism pivotally rotatable about a pin and a relief valve between the fluid source and the pressure mechanism for releasing the fluid back to the source when pressure exceeds a threshold. Therefore, for at least this reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met with respect to claim 28. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection and pass claim 28 to allowance.

IV. Conclusion

In view of the foregoing remarks, all of the claims currently pending in this application are in a condition for allowance. A telephone interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application. To that end, the Examiner is invited to contact the undersigned at 972-39-8612.

The Final Office Action contains characterizations of the claims and the related art of which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Final Office Action.

Respectfully submitted,

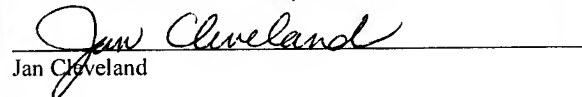


Dustin T. Johnson
Registration No. 47,684

Dated: 11-15-10
Haynes and Boone, LLP
Customer No.: 46333
Telephone: 972/739-8612
IP Facsimile: 214/200-0853
Client Matter No. P0033870.00 / 41914.710

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via EFS-Web on the following date.

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Jan Cleveland